

Message Text

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ACTION IO-11

INFO OCT-01 ARA-06 EUR-12 ISO-00 SSO-00 NSCE-00 USIE-00

INRE-00 ACDA-05 CIAE-00 INR-07 L-03 NSAE-00 NSC-05

EB-07 NRC-05 OES-03 FEAE-00 DODE-00 PM-04 H-02 PA-01

PRS-01 SP-02 SS-15 IOE-00 OIC-02 /092 W

----- 005259

O R 181657Z FEB 76

FM AMEMBASSY BONN

TO SECSTATE WASHDC IMMEDIATE 6550

INFO USMISSION IAEA VIENNA IMMEDIATE

ERDA GERMANTOWN

AMEMBASSY BERLIN

USMISSION USBERLIN

AMEMBASSY BRASILIA

AMEMBASSY LONDON

AMEMBASSY MOSCOW

AMEMBASSY PARIS

C O N F I D E N T I A L SECTION 01 OF 02 BONN 02744

E.O. 11652: GDS

TAGS: PFOR, WB, AORG, IAEA, PARM, TECH, UR, BR, GW

SUBJECT: FRG/IAEA/BRAZIL TRILATERAL SAFEGUARDS AGREE-
MENT: BERLIN QUESTION

REFS: (A) IAEA VIENNA 1168; (B) USBER 224; (C) BONN 1890

SUMMARY: BERLIN ASPECT OF TRILATERAL SAFEGUARDS AGREE-
MENT (TSA) DISCUSSED BY BONN GROUP ON FEB. 17. REPS
AGREED TO RECOMMEND TO AUTHORITIES SLIGHTLY MODIFIED
VERSION OF STATEMENT CONTAINED REF C AS CONTINGENCY IN
CASE SOVIETS IN IAEA BOARD OF GOVERNORS CHALLENGE
PROPRIETY TSA EXTENSION TO BERLIN. END
SUMMARY.

1. IN FEB. 17 BONN GROUP MEETING, FRG AND UK REPS
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REPORTED RECEIPT FROM THEIR DELS IAEA OF ESSENTIALLY
SAME INFO AS CONTAINED REF A. ALL REPS AGREED THEY

UNABLE TO DETERMINE IF APPARENT SOVIET DESIRE FOR DELAY BASED ON SUBSTANTIVE GROUNDS OR ON QUESTION OF BERLIN EXTENSION. REPS ALSO AGREED THE SUBSTANTIVE ASPECTS OF TSA WERE OUTSIDE THEIR COMPETENCE.

2. FRG REP SAID IT UNCLEAR IF IAEA BOARD OF GOVERNORS WOULD POSTPONE MATTER FROM FEB. 24/25 MEETING, AND SUGGESTED BONN GROUP PROCEED WITH CONSIDERATION OF CONTINGENCY STATEMENT WHICH HAD BEGUN DURING WEEK FEB. 9. FRG REP ALSO CONFIRMED THAT FINAL VERSION OF THE BERLIN CLAUSE IN TSA (ART. 26) REFERS TO "BERLIN (WEST)" AND NOT "LAND BERLIN" AS HAD BEEN CASE WITH EARLIER VERSION. (THIS WAS OF SOME INTEREST SINCE SOVIETS, WHEN RAISING WITH UK IAEA DEL MATTER OF EXTENSION TO BERLIN, HAD OBJECTED TO "LAND BERLIN" LANGUAGE AS USED IN PREVIOUS ART. 26.)

3. ASSUMING TSA WOULD BE CONSIDERED BY IAEA BOARD OF GOVERNORS DURING FEB. 24/25 MEETING, BONN GROUP AGREED TO RECOMMEND CONTINGENCY STATEMENT PROVIDED BELOW FOR TRIPARTITE USE SHOULD SOVIET DEL
CONTENTEND THAT EXTENSION OF AGREEMENT TO BERLIN IS ILLEGAL SINCE MATTERS OF SECURITY ARE INVOLVED. SOVIET DEL MAY ARGUE THAT TSA EXTENSION TO BERLIN IS CONTRARY TO QUADRIPARTITE AGREEMENT ON BERLIN WHICH STATES THAT WEST BERLIN CONTINUES NOT TO BE A CONSTITUENT PART OF FRG AND NOT TO BE GOVERNED BY FRG AND THAT INTERNATIONAL AGREEMENTS ENTERED INTO BY FRG MAY BE EXTENDED TO BERLIN ONLY IF MATTERS OF SECURITY ARE THEREBY NOT AFFECTED.

4. BEGIN TEXT:

1. THE AUTHORITIES OF FRANCE, THE UK, AND US
CANNOT ACCEPT THE VIEW EXPRESSED BY THE DELEGATE OF THE

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FM AMEMBASSY BONN

TO SECSTATE WASHDC IMMEDIATE 6551

INFO USMISSION IAEA VIENNA IMMEDIATE

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USMISSION USBERLIN

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C O N F I D E N T I A L SECTION 02 OF 02 BONN 02744

USSR. THEY CONFIRM THAT NOTHING IN ARTICLE 26 OF THE PROPOSED AGREEMENT IS INCOMPATIBLE WITH THE RELEVANT PROVISIONS OF THE QA OF SEP. 3, 1971.

2. IN CONFORMITY WITH THE ESTABLISHED PROCEDURES WHICH ARE REFERRED TO IN THE Q.A., ALL INTERNATIONAL AGREEMENTS AND ARRANGEMENTS ENTERED INTO BY THE FRG WHICH ARE TO BE EXTENDED TO THE W.S.B. ARE SUBMITTED TO THE AUTHORITIES OF THE THREE POWERS. THE AGREEMENT FOR THE APPLICATION OF SAFEGUARDS BETWEEN THE FRG, BRAZIL AND IAEA WILL THEREFORE BE SUBMITTED TO THE ALLIED KOMMANDATURA. THE AUTHORITIES OF THE THREE POWERS, ACTING ON THE BASIS OF THEIR SUPREME AUTHORITY, WILL TAKE ANY NECESSARY STEPS BEFORE AUTHORIZING THE CONFIDENTIAL

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EXTENSION OF THIS AGREEMENT TO ENSURE THAT ITS APPLICATION IN THE W.S.B. WILL NOT AFFECT ALLIED RIGHTS AND RESPONSIBILITIES, IN PARTICULAR THOSE RELATING TO MATTERS OF SECURITY. END TEXT.

5. ACTION REQUESTED: DEPARTMENT AUTHORIZE US DEL IAEA TO PARTICIPATE IN MAKING STATEMENT CONTAINED PARA 4 ABOVE UPON CONTINGENCY OUTLINED PARA 3. HILLENBRAND

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